

RECORD OF PROCEEDINGS
DELAWARE COUNTY BOARD OF ELECTIONS

The Delaware County Board of Elections held a regular board meeting/reconsideration hearing on September 2, 2015 in the Board of Elections' office at 9:00 am. Chairman Cuckler, Mr. Stevens, Mr. Burnworth, Mr. Helvey, Director Pedaline, Deputy Director Herron, Office Manager Traci Shalosky, Delaware County Assistant Prosecuting Attorney Chris Betts, Delaware County Assistant Prosecuting Attorney Andrew King, and Secretary of State Liaison Chelsea Faulkner were present. Also present were Matt Weller, Ted Backus, Rick Clunk, Douglas Crawl, Yvette Lawal, Kabir Lawal, and Dean Narciso

Chairman Cuckler called the meeting to order at 9:00 a.m.

Mr. Rick Helwig, Warehouse Supervisor, presented the Board with a handmade gavel and sounder. Mr. Helwig noted the wood that was used came from an old barn from his family farm dating back to the founding of our county. The Board thanked Mr. Helwig and expressed their appreciation.

Mr. Burnworth moved and Mr. Stevens seconded the motion to go into executive session per R.C. 121.22 (G) (1). Roll call vote: Mr. Stevens, aye; Mr. Helvey, aye; Mr. Burnworth, aye; Chairman Cuckler, aye. The Board entered executive session at 9:05a.m.

Mr. Helvey moved and Mr. Burnworth seconded the motion to come out of executive session. Roll call vote: Mr. Stevens, aye; Mr. Helvey, aye; Mr. Burnworth, aye; Chairman Cuckler, aye. The Board left executive session at 9:25 a.m.

Mr. Burnworth moved and Mr. Stevens seconded a motion to hire Alice Solove to the open position of permanent part time Republican Election Support Specialist at a rate of \$16.00 per hour, for 35 hours per week effective September 8, 2015. Roll Call vote: Mr. Burnworth, aye; Mr. Helvey, aye; Mr. Stevens, aye; Chairman Cuckler, aye. The motion passed.

Mr. Burnworth moved and Mr. Helvey seconded a motion to increase all permanent part time employees to a rate of \$16.00 per hour effective on August 31, 2015. Roll Call vote: Mr. Burnworth, aye; Mr. Helvey, aye; Mr. Stevens, aye; Chairman Cuckler, aye. The motion passed.

Mr. Burnworth moved and Mr. Helvey seconded a motion to promote Jeff Cramlet to Project Coordinator, effective August 31, 2015, and to authorize Chairman Cuckler to sign a new Employee Action Form recommended by the Directors reflecting this new promotion and adjustment in compensation. Roll Call vote: Mr. Burnworth, aye; Mr. Helvey, aye; Mr. Stevens, aye; Chairman Cuckler, aye. The motion passed.

At 9:35 a.m. Chairman Cuckler began the reconsideration hearings.

Warehouse Supervisor Rick Helwig swore in all candidates and witnesses at this time.

Mr. Rick Clunk was called to testify.

Deputy Director Herron gave an overview of Mr. Clunk's candidacy petition stating that 25 valid signatures were required. Mr. Clunk submitted 31 signatures, 23 of which were ruled valid. The signatures not counted included: six that were non genuine, one was not a registered voter, one was registered at a different address. A timeline of events are as follows:

- July 17, 2015:** Mr. Clunk came to the office to pick up his petitions. At this time he was given a complete overview of the petition process. Mr. Clunk received Resolution 2015-5, Petition Verification Guidelines, 2015 Ohio Candidate Requirement Guide and he signed the Non-Partisan Petition Information sheet.
- August 5, 2015:** Mr. Clunk submitted 2 part petitions that contained 31 signatures.
- August 14, 2015:** Board ruled not to certify Mr. Clunk to the November 3, 2015 General Election ballot.
- August 17, 2015:** Mr. Clunk was sent a written notification via certified mail that he had not been certified to the November 3, 2015 General Election ballot.
- August 19, 2015:** Mr. Clunk filed a request for a reconsideration hearing.
- August 30, 2015:** Mr. Clunk was sent a certified letter informing him of the time and date of the reconsideration hearing.

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Mr. Clunk stated that it would have been helpful to have had the signatures of all the registered voters in Marlboro Township. He stated that it was not practical for him to know whether a voter signed or printed their name on their voter registration card.

Mr. Clunk presented Exhibit A which included a letter from Alma Clunk stating that due to her age there was a mistake in writing her correct registered voting address. Ms. Clunk hoped the Board would take that into consideration and allow Mr. Clunk on the ballot. Mr. Clunk provided his own written letter explaining the evident weaknesses with respect to the petition signature requirements and with the sixteen signatures and addresses of voters who “seen and agreed” to what he wrote in his letter. Mr. Clunk also included a letter from Ruth Gearhiser that listed her printed name and signature as well as the printed name and signature of her husband, Harold R. Gearhiser.

Delaware County Assistant Prosecuting Attorney Chris Betts read Ohio Revised Code and cited Supreme Court cases where printed signatures were not allowed to be counted.

Chairman Cuckler read aloud Resolution 2015-5 Petition Guidelines that the Board adopted and passed earlier this year.

Mr. Stevens moved and Mr. Burnworth seconded the motion to deny Mr. Clunk’s request for reconsideration. Roll call vote; Mr. Helvey, aye; Mr. Stevens, aye; Mr. Burnworth, nay; Chairman Cuckler, aye. The motion passed and the previous ruling stands.

Mr. Douglas Crawl was called to testify.

Deputy Director Herron gave an overview of Douglas Crawl’s candidacy petition. She stated that 25 valid signatures were required. Mr. Crawl submitted 28 signatures, 20 of which were ruled valid. A timeline of events are as follows:

-August 14, 2015: Board ruled not to certify Mr. Crawl to the November 3, 2015 General Election ballot.

-August 17, 2015: Mr. Crawl was sent a written notification via certified mail that he had not been certified to the November 3, 2015 General Election Ballot.

-August 24, 2015: Mr. Crawl filed a request for a reconsideration hearing.

-August 25, 2015: A letter informing Mr. Crawl of the time and date of this hearing was given to him in person.

It was noted for the record that Mr. Crawl had received Resolution 2015-5, Petition Verification Guidelines, 2015 Ohio Candidate Requirement Guide and a Non-Partisan Petition Information sheet at the time he picked up his petition.

Douglas Crawl presented Exhibit 1 that included eight notarized affidavits from all voters that printed their names on his petition. He stated that he believes the system is flawed and that Ohio Revised Code 3501.011(B) affords a voter more than one signature.

Chairman Cuckler stated that he sympathizes with Mr. Crawl, but Petition Verification Guidelines (Resolution 2015-5) and Ohio Revised Code require signatures to match what is on file with the Delaware County Board of Elections.

Delaware County Assistant Prosecuting Attorney Chris Betts cited the case *Zach Scott vs Franklin County Board of Elections* in which sworn statements from the voters were accepted to verify printed signatures.

Mr. Helvey stated that the difference between the *Zach Scott vs Franklin County Board of Elections* case is that in this situation we have passed a Resolution creating Petition Verification Guidelines which state that the signature on the petitions must match what we have on record. Franklin County did not have this resolution.

Mr. Burnworth asked the other Board members if the law allows, should Mr. Crawl be allowed to bring in the voters whose signatures were not accepted as genuine.

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Chairman Cuckler stated that Mr. Crowl was afforded the opportunity to bring in witness, but chose rather to bring in affidavits.

The Board members discussed the Petition Verification Guidelines (Resolution 2015-5) they passed and adopted earlier this year. It was noted that Section III, number 8 of this Resolution clearly states, "Signature on the petition must appear to be the genuine signature of the person whose signature it purports to be, or the elector's name as signed by the elector's Attorney-in-Fact, compared to the signature on file with the Board of Elections as of the date the petition is filed," and number 10, "The following will invalidate the signature...If a signer does not sign in the manner that is on file with the Board of Elections. (e.g. cursive or printed)" (10) (g).

It was noted by Deputy Director Herron that this Resolution is provided to each potential candidate that requests petitions from our office. Mr. Crowl agreed he had received this Resolution on July 8, 2015, when the petition process was reviewed with him.

Mr. Burnworth moved to continue this reconsideration hearing to the next Board meeting. Motion died due to lack of a second.

Mr. Stevens moved and Mr. Helvey seconded the motion to deny Mr. Crowl's request for reconsideration. Roll call vote; Mr. Helvey, aye; Mr. Stevens, aye; Mr. Burnworth, nay; Chairman Cuckler, aye. The motion passed and the previous ruling stands.

Chairman Cuckler recused himself from the reconsideration hearing for Yvette Lawal due to a current work relationship with Olentangy Local Schools. Board member Shawn Stevens now acting Chairman.

Ms. Yvette Lawal was called to testify.

Deputy Director Herron stated that Ms. Lawal did not sign the Declaration of Candidacy Statement on either section of her part petitions.

Mr. Stevens asked Ms. Lawal if she received our letter and understood that it was her signature on the top of the form that was missing.

Ms. Lawal replied that she came to the office and used the Petition Module to complete her petitions. It was her understanding that everything was complete and she was able to proceed and gather signatures.

Deputy Director Herron stated that all staff receive petition training. Ms. Lawal came in after we began using the Petition Module but did receive Resolution 2015-5 (Petition Guidelines) which states in section III (2), "Candidate neglects to sign the Statement of Candidacy. This will invalidate the entire part-petition".

Delaware County Assistant Prosecuting Attorney Chris Betts read a section from Ohio Revised Code 3513.261 which states, "Each nominating petition shall contain a Statement of Candidacy that shall be signed by the candidate."

Mr. Stevens stated there is no remedy.

Mr. Helvey moved and Mr. Burnworth seconded the motion to deny Ms. Lawal's request for reconsideration. Roll call vote; Mr. Helvey, aye; Mr. Burnworth, nay; Mr. Stevens, aye. The motion passed and the previous ruling stands.

Mr. Cuckler rejoined the meeting.

Petitioner Michele Parsons was unable to attend this Board meeting due to a work conflict and submitted to the Board a letter explaining her circumstance.

Deputy Director Herron explained Ms. Parsons did not completely fill in the date (the year was omitted) on her Declaration of Candidacy Statement on her petition.

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The Board began discussion on Ms. Parson's situation citing Petition Verification Guidelines (Resolution 2015-5), Section III (1), "Statement of Candidacy and Declaration Section is not completely filled out. Full term commencing date or unexpired term date must be completed only if required to distinguish an office. This will invalidate the entire part-petition."

Mr. Stevens moved and Mr. Helvey seconded the motion to deny Ms. Parson's request for reconsideration. Roll call vote; Mr. Helvey, aye; Mr. Burnworth, aye; Mr. Stevens, aye. The motion passed and the previous ruling stands.

Mr. Ted Backus was called to testify.

Deputy Director Herron stated the Board deemed that the petition invalid due to his name and signature mismatch (compared to that in our Voter Registration system) on the Statement of Candidacy. All voter records on file with the Board have Mr. Backus listed as "Rodney T. Backus."

Chairman Cuckler asked Mr. Backus if he understood the issue.

Mr. Backus stated he did. Mr. Backus explained that his dad's name is also "Rodney Theodore Backus" and that he has gone by "Ted" to differentiate him from his father. Mr. Backus presented his passport as well as numerous other documents to show his name as "Ted Backus".

Deputy Director Herron confirmed everything else on the petition was correct and enough valid signatures were collected. Mr. Helvey stated that we do allow for derivatives of names but the Board needed to confirm what "T." in "Rodney T. Backus" stood for.

Mr. Helvey moved and Mr. Burnworth seconded the motion to accept "Theodore" as the middle name of "Rodney T. Backus" and "Ted" is a direct derivative of "Theodore". The motion passed unanimously.

Mr. Helvey moved and Mr. Burnworth seconded the motion to certify Rodney Theodore Backus (Ted Backus), candidate for Delaware City School Board, to the November 3, 2015 General Election ballot. The motion passed unanimously.

Mr. Backus per the Board's request updated his voter registration to reflect his full name of "Rodney Theodore Backus".

Mr. Helvey moved and Mr. Burnworth seconded the motion to approve \$1,598.41 for travel and lodging for Brandon Clay's trip to Houston, Texas to attend the Election Center Conference. The motion passed unanimously.

Mr. Burnworth moved and Mr. Helvey seconded the motion to make the following Polling Location changes as recommended by staff:

- Highpoint Nazarene Church currently has Delaware 3-C, 3-E, 3-F. Staff recommends adding Delaware 3-G and Liberty M.
- Heritage Christian Church currently has Genoa D, I, M, N, O, and Q. Staff recommends adding Westerville H.
- Alum Creek currently has Orange M and Q. Staff recommends to move Orange M and add Orange A.
- Berlin Presbyterian Church currently has Orange F and L. Staff recommends to move Orange L and add Orange M.
- Board of Developmental Disabilities currently has Orange A, B and E. Staff recommends to move Orange A and add Orange R.
- Lewis Center United Methodist Church (**New location**). Staff recommends to move Orange L and Orange S.

The motion passed unanimously.

Deputy Director Herron gave an election update stating we have received the waivers from the State for the five precincts added. She also stated Si Kille from the Auditor's office is ready to

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move forward with the Knowink Poll Pad purchase. Secretary of State Liaison, Chelsea Faulkner, clarified the delay is with the DAS as opposed to the Secretary of State's office.

Deputy Director Herron stated that we have received the van. The County Commissioners approved including the payment of the van into their budget after it was determined there is a need for this van by other county agencies.

The meeting was adjourned at 11:00 a.m.

Respectively submitted by,

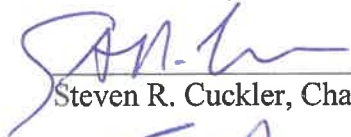


Traci Shalosky, Office Manager

Respectively approved,



Josh Pedaline, Director



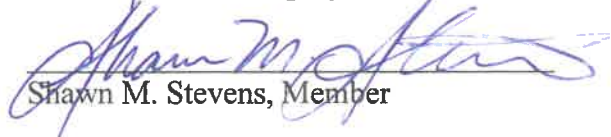
Steven R. Cuckler, Chair



Edward D. Helvey, Member



Karla R. Herron, Deputy Director



Shawn M. Stevens, Member

Bruce Burnworth, Member

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The Delaware County Board of Elections held a regular board meeting on September 15, 2015, in the Board of Elections’ conference room at 8:30am. Chairman Cuckler, Mr. Stevens, Mr. Helvey, Mr. Burnworth, Director Pedaline, Deputy Director Herron, Delaware County Assistant Prosecuting Attorney Chris Betts, Delaware County Assistant Prosecuting Attorney Andrew King, Elections Services Manager Stephanie Clase, Office Manager Traci Shalosky, Project Coordinators Kathie Mardis and Jeff Cramlet, Warehouse Supervisor Rick Helwig, SOS Liaison Chelsea Faulkner, Liz Day, Mr. Sam Kindred were present. Also present were Doug Bernhardt and Elvis DeFreitas from Pitney Bowes.

Chairman Cuckler called the meeting to order at 8:32 a.m.

Director Pedaline presented and reviewed bills and monthly expenses. It was noted that Triad software contract was \$24,062. Mr. Stevens moved and Mr. Helvey seconded to approve the bills and monthly expenses. The motion passed.

VENDOR	DESCRIPTION	AMOUNT
General Supplies & Parts		
NCB - Office City Expr	DUST MSK,BINDER	77.16
NCB - Projector Zone	PROJECTOR BULBS	168.58
GOVCONNECTION INC	(3) WIRELESS KEYBOARD/MOUSE	66.95
	TOTAL 5201	312.69
Food		
NCB - Office City Expr	COFFEE	78.16
NCB - Nestle Pure Life	WATER 06/13-07/12/15	61.56
	TOTAL 5294	139.72
Contracted Professional Services		
CLARK REALTIME REPORTING LLC	REPORTING 08/10-08/18/15	722.50
SCS CONSULTING SERVICES LTD	CONTINUITY PLANNING 08/15	1,000.00
	TOTAL 5301	1,722.50
Training & Staff Development		
NCB - The Election Cen	CERA CLASS-CLAY	459.00
	TOTAL 5305	459.00
Membership, Subscriptions and Dues		
NCB - Dnh*godaddy.Com	SSL LICENSE	167.97
	TOTAL 5308	167.97
Travel Mileage Reimbursement		
CLAY,BRANDON	MILEAGE 08/19-08/22/15	26.57
MANLEY,BRENDA L	MILEAGE 06/09-09/01/15	38.82
SHALOSKY,TRACI	MILEAGE 08/20-08/22/15	35.77
	TOTAL 5309	101.16
Travel - Nontaxable		
NCB - Cmpsprc Academic	PARKING 07/20/15	11.25
NCB - Southwes	CERA AIRFARE-CLAY 08/19- 22/15	431.00
CLAY,BRANDON	MEALS 08/19-08/22/15	101.94
SHALOSKY,TRACI	MEALS 08/20-08/22/15	82.70
	TOTAL 5310	626.89
Data Processing Services		
TRIAD GOVERNMENTAL SYSTEMS INC	VIS SOFTWARE 10/28/15- 10/27/16	24,062.00
	TOTAL 5320	24,062.00
Postal and Freight Services		
NCB - Pak Mail	SOS PET SHIPPING CHARGES	82.65
	TOTAL 5331	82.65
Cell Phone Internet Allowance		
	BOARD OF ELEC GRS.	125.00
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	TOTAL 5332	250.00
Rental Services		
NCB - Mt Business Tech	COPIER 2051 05/13-06/12/15	317.24
NCB - Mt Business Tech	COPIER 8001 05/18-06/17/15	604.09
	TOTAL 5335	921.33